



RESOLUTION 04-2016

OF THE VILLAGE OF ASHVILLE



A RESOLUTION AUTHORIZING THE MAYOR OR VILLAGE ADMINISTRATOR TO EXECUTE AN ASSIGNMENT AGREEMENT WITH SOUTH CENTRAL POWER COMPANY FOR THE PURPOSE OF FURTHERING THE ASHVILLE INTERSECTION IMPROVEMENTS – STATE ROUTE 752 AND LONG STREET PROJECT (CT72N & CT73N).

WHEREAS, the Village of Ashville has considered the necessity of improving its street system so as to improve vehicular and pedestrian traffic flow and safety for the Village, and has identified a need to reconstruct, improve, and widen portions of State Route 752 and Long Street, commonly known as the Ashville Intersection Improvements – State Route 752 and Long Street Project (CT72N & CT73N); and

WHEREAS, in Resolution 5-2013 passed May 20, 2013 found in Exhibit A, Ashville Village Council declared its intention to appropriate permanent and temporary easements in and to premises for furtherance of this project.

WHEREAS, in order to complete the foregoing project it is necessary for South Central Power to relocate utility poles, install electric lines and accessory services on certain properties affected by the project and subject to pending appropriation proceedings.

WHEREAS, Ohio Revised Code Section 719.01 provides for the appropriation of land for street and other public purposes and Section 719.04 of the Ohio Revised Code provides for the passage of a resolution declaring the Village's intent to appropriate; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of Ashville, Ohio that:

SECTION 1. The Mayor or Village Administrator is authorized to execute the Assignment Agreement to South Central Power found in Exhibit B.

SECTION 2. This Resolution shall be effective upon its adoption.

Offered by:

Seconded by:

PASSED THIS 22nd DAY OF FEBRUARY, 2016

ATTEST:

DATE: _____

April D. Grube, Clerk-Fiscal Officer

APPROVED:

DATE: _____

Charles K. Wise, Mayor

Prepared: 02/10/2016
Revised Date:
Review Date:

CERTIFICATE OF RECORDING OFFICER

I, the undersigned, hereby certify, that the foregoing is a true and correct copy of the resolution adopted by the Village of Ashville Council held on 22nd day of February 2016, and that I am duly authorized to execute this certificate.

(Original signature of April D. Grube)

Clerk-Fiscal Officer
(TITLE)





RESOLUTION 05-2013

DECLARING THE INTENTION TO APPROPRIATE RIGHTS-OF-WAY IN FEE SIMPLE AND TO APPROPRIATE TEMPORARY AND PERMANENT EASEMENTS FOR THE PURPOSE OF CONSTRUCTING THE ASHVILLE INTERSECTION IMPROVEMENTS – STATE ROUTE 752 AND LONG STREET PROJECT (CT72N & CT73N).



WHEREAS, the Village of Ashville has considered the necessity of improving its street system so as to improve vehicular and pedestrian traffic flow and safety for the Village, and has identified a need to reconstruct, improve, and widen portions of State Route 752 and Long Street, commonly known as the Ashville Intersection Improvements – State Route 752 and Long Street Project (CT72N & CT73N); and

WHEREAS, in Resolution 17-2009 passed September 29, 2009 found in Exhibit A, Ashville Village Council authorized the Mayor or Village Administrator to participate in the Ohio Public Works Commission (OPWC) State Capital Improvement and/or Local Transportation Improvement Program(s) and to execute contracts as required for the Ashville Intersection Improvements – State Route 752 and Long Street Project (CT72N & CT73N); and

WHEREAS, Village Council Minutes for May 16, 2011, June 20, 2011, and December 5, 2011 found in Exhibit B indicate a knowledge and approval for Appraisal Summaries to be completed for properties necessary for the Ashville Intersection Improvements – State Route 752 and Long Street Project (CT72N & CT73N); and

WHEREAS, the Village of Ashville has been awarded funding through the Ohio Public Works Commission (OPWC) for the Ashville Intersection Improvements – State Route 752 and Long Street Project (CT72N & CT73N); and

WHEREAS, in order to comply with the conditions and timelines for the OPWC funding, the Village needs to acquire-all easements and rights-of-way by June 29, 2013; and

WHEREAS, as of the present date, the Village is working diligently with affected property owners, but has not been able to enter into agreements and acquire all of the right-of-ways and easements necessary for the Ashville Intersection Improvements – State Route 752 and Long Street Project (CT72N & CT73N); and

WHEREAS, Ohio Revised Code Section 719.01 provides for the appropriation of land for street and other public purposes and Section 719.04 of the Ohio Revised Code provides for the passage of a resolution declaring the Village's intent to appropriate; and

Whereas, even with the passage of this Resolution, the Village will continue negotiations with all affected property owners with the intention of settling all acquisition matters prior to initiating appropriation actions in court.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of Ashville, Ohio that

SECTION 1. This Council considers it necessary and declares its intention to appropriate fee simple interests in and to the premises described in Exhibit C. Council declares its intention to appropriate permanent easements in and to the premises described in Exhibit C. Council declares its intention to appropriate temporary easements in and to the premises as described in Exhibit C. all exhibits of which are attached hereto and Incorporated herein,

SECTION 2. The Mayor or Village Administrator is authorized to cause written notice of passage of this Resolution to be given to the owners and persons in possession or having an interest of record in all premises noted in the attached exhibits. Each notice shall be served and returned according to law.

SECTION 3. The Administration, by and through its legal counsel, is hereby authorized to institute proceedings for the appropriation of the properties described in the attached exhibits, pursuant to Ohio Revised Code Chapters 719 and 163 and to negotiate terms of settlement, subject to the approval of this Council or the court before appropriation proceedings are commenced.

SECTION 4. This Resolution shall be effective upon its adoption.

PASSED THIS 20TH DAY OF MAY, 2013

ATTEST:

Barbara J. Gilbert DATE: May 20, 2013
Barbara J. Gilbert, Clerk-Fiscal Officer

APPROVED:

Charles K. Wise DATE: 20 May 13
Charles K. Wise, Mayor

Prepared 4/16/2013

Revised Date:

Review Date

Celebrating 175 years

RESOLUTION 11 - 2009

A RESOLUTION AUTHORIZING THE MAYOR OR VILLAGE ADMINISTRATOR TO PREPARE AND SUBMIT A PRIORITY ONE APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION (OPWC) STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAMS(S) AND TO EXECUTE CONTRACTS AS REQUIRED. AND DECLARING AN EMERGENCY.

WHEREAS, the State Capital Improvement Program and the Local Transportation Improvement Program both provide financial assistance to political subdivisions for capital improvements to public infrastructure, and

WHEREAS, the Village of Ashville, Ohio is planning to make capital improvements to Alleys in the Village of Ashville thus submitting The Ashville St. Rt. 752 and Long Street Intersection Improvements Project, and

WHEREAS, the infrastructure improvement herein above described is considered to be a priority need for the community and is qualified project under the OPWC programs,

NOW, AND THEREFORE BE IT ORDAINED BY THE VILLAGE COUNCIL, VILLAGE OF ASHVILLE, PICKAWAY COUNTY, STATE OF OHIO THAT:

SECTION ONE

The Mayor and /or Village Administrator is hereby authorized to apply to the OPWC for funds as described above.

SECTION TWO

The Mayor and /or Village Administrator is further authorized to enter into any agreements as may be necessary and appropriate for obtaining this financial assistance.

SECTION THREE

That this resolution is hereby declared to be an emergency resolution and necessary for the immediate preservation of the peace, health, safety, and general welfare of the citizens of the Village of Ashville and for the further reasons that expresses and contractual obligations requires application for funding The Ashville Alley Improvements Project.

Therefore, this resolution will take immediately upon its passage.

PASSED THIS 11th DAY OF SEPTEMBER, 2009

ATTEST:

Barbara J. Gilbert
Barbara J. Gilbert, Clerk-Fiscal Officer

DATE: September 29, 2009

APPROVED:

Charles K. Wise, Mayor
Charles K. Wise, Mayor
Prepared 9/18/09
Revised Date:
Review Date

DATE: 29 Sep 09

ASSIGNMENT

WHEREAS, the Village of Ashville, Ohio, has determined that it is necessary and in the best interests of the public to reconstruct and upgrade the intersection of S.R. 752 and Long Street in Ashville, Ohio, and which will improve traffic circulation for the citizens of Ashville and which roads will be open to the public, without charge, at all times be used for public purposes (the “Project”);

WHEREAS, Council of the Village of Ashville passed Resolution No. 5-2013 declaring the necessity and its intention to appropriate real property for public use and the purpose of roadway construction, reconstruction, installation, replacement, repair, upgrading, maintenance and improvement of S.R. 752 and Long Street, Ashville, Ohio, and directing that the Law Director file a Petition to appropriate the real property and assess the compensation to be paid for such real property;

WHEREAS, the Village of Ashville now seeks to acquire title in certain real property including rights of way and temporary easement rights for the purpose of relocating, installing, maintaining and repairing electrical service facilities (the “Electrical Service Relocation”) made necessary by improving the public roadways as aforesaid;

WHEREAS, the Village of Ashville has filed a Petition in the Court of Common Pleas of Pickaway County, Ohio, Case No. 2015CI0258 (“Petition”) seeking to appropriate for public use, pursuant to sections 719.01, 719.02 and 163.01 et. seq. of the Ohio revised code, an electric line easement (herein the “Interests”) on, along and/or across certain real property located in Pickaway County, and known as 14198 Ashville Pike (Long Street), Harrison Township, Pickaway County, Ashville, Ohio, Parcel Nos. 1200010010606 and 1200010010401 (the “Property”), for the purpose of performing and completing the Electrical Service Relocation in furtherance of the Project;

WHEREAS, Walter and Margie Hardbarger (collectively the “Owners”) are the titled owners of the Property under a Deed filed in the Pickaway County Recorder’s Office identified as Vol. 278, Page 580-582 and the Village of Ashville has provided notice to the Hardbargers in compliance with Section 163.04 of the Ohio Revised Code, attempted to reach an agreement as to the terms and conditions of the conveyance of the Property as required by Ohio Revised Code Section 163.04, but a mutual agreement regarding compensation cannot be obtained;

WHEREAS, the Village of Ashville by independent appraiser has determined the value of the Property to be appropriated to be \$11,250.00 and has deposited that amount with the Pickaway County Clerk of Court with the Petition;

WHEREAS, pursuant to R.C. 163.06(B), the Village of Ashville is entitled to take immediate possession of and enter upon the Property;

WHEREAS, in furtherance of the Project, South Central Power Company, as the owner and operator of the existing electrical service facilities and rights in the area of the Project, has agreed to complete the Electrical Service Relocation, including relocating utility poles and installing electric lines and accessory services on the Property; and

WHEREFORE, in furtherance of the Project, and pursuant to the rights presently held by the Village of Ashville (“Assignor”) under the Petition, the Village of Ashville and South Central Power Company (“Assignee”) agree as follows:

1. The Village of Ashville, pursuant to its right under R.C. 163.06(B) to take immediate possession of the Property, hereby grants and assigns to South Central Power Company the right of access and license to enter upon the Property to perform and complete the Electrical Service Relocation, for furtherance of the Project.

2. The Village of Ashville agrees to provide to South Central Power Company a partial or non-exclusive assignment of its easement rights, as best may be determined, under all temporary and permanent utility easement rights obtained through settlement or litigation of the Petition, for purposes of the Electrical Service Relocation and the on-going easement rights described in the Petition for the installation, maintenance and repair of electrical service facilities.
3. All rights and easements granted or to be granted by the Village of Ashville to South Central Power Company under this Assignment are intended to be free and clear of any rights or claims of the Owners other than Owners rights to use the property not inconsistent and with no impairment of the easement(s) granted to the Village of Ashville as a result of the resolution or disposition of the Petition..

Assignor and Assignee are executing this Assignment as of February ___, 2016.

ASSIGNOR:

The Village of Ashville, Ohio

By: Franklin Christman, Village
Administrator

APPROVED AS TO FORM:

By: Mark Landes, Village Solicitor

ASSIGNEE:

South Central Power Company

By: _____